

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HOWARD C. LAPENSOHN and JILL
ABRAMS LAPENSOHN,

Plaintiffs,

v.

HUDSON CITY SAVINGS BANK and
ASSURANT GLOBAL P&C CLAIMS and
PARKER IBRAHIM & BERG,

Defendants.

Civil Action

No.: 20-cv-680-JHS

**DECLARATION OF JAMES P. BERG, ESQ. IN SUPPORT OF THE MOTION FOR
SANCTIONS FILED BY DEFENDANTS HUDSON CITY SAVINGS BANK AND
PARKER IBRAHIM & BERG**

James P. Berg, Esq., an attorney duly licensed to practice law in the Commonwealth of Pennsylvania, declares and affirms under penalty of perjury as follows to the best of his knowledge information and belief:

1. I am partner with the law firm of Parker Ibrahim & Berg LLP, attorneys for defendants M&T Bank successor by merger to Hudson City Savings s/h/a “Hudson City Savings Bank” and Parker Ibrahim & Berg LLP s/h/a “Parker Ibrahim & Berg” (together, “Moving Defendants”) in the above-captioned action. I submit this declaration in support of Moving Defendants’ Motion for Sanctions filed against Plaintiffs Howard C. Lapensohn and Jill Abrams Lapensohn pursuant to Federal Rule of Civil Procedure 11 (the “Motion”).

2. Attached hereto as composite Exhibit 1, are true and correct copies of the foreclosure docket and complaint (without exhibits) in the foreclosure action captioned *Hudson City Savings Bank v. Howard C. Lapensohn, et al.*, at Case Number 2014-27824-0 in the Montgomery County Court of Common Pleas.

3. Attached hereto as composite **Exhibit 2** are true and correct copies of the docket and complaint in the ejectment action filed as *M&T Bank v. Howard C. Lapensohn, et al.*, at Case Number 2018-12809 in the Montgomery County Court of Common Pleas.

4. Attached hereto as **Exhibit 3** is a true and correct copy of the Superior Court's October 15, 2019 Order denying the Emergency Motion for Stay of Eviction Pending Appeal filed by Plaintiffs in the appeal captioned *M&T Bank v. Howard C., Lapensohn, et al.*, and docketed at No.: 2608 EDA 2019 in the Superior Court of Pennsylvania, Eastern District.

5. Attached hereto as composite **Exhibit 4** are true and correct copies of the federal docket and complaint in the civil action filed as *Howard C. Lapensohn, et al., vs. Hudson City Savings Bank, et al.* at Docket Number 2:19-cv-04576 in the United States District Court for the Eastern District of Pennsylvania.

6. Attached hereto as **Exhibit 5** is a true and correct copy of the Rule 11 Letter sent by Moving Defendants to Plaintiffs on February 20, 2020.

7. Attached hereto as composite **Exhibit 6** are true and correct copies of the: (1) September 13, 2019 Order filed in *Lisa Hood, et al. v. Victoria Crossing Townhouse Association, et. al.*, at Docket No. 18-12259 in the United States District Court for the District of New Jersey enjoying Plaintiffs' counsel from future filings which "pertain[] to or reference[] any prior foreclosure action" without prior Court authorization; (2) October 30, 2019 Order filed in *Charmaine Wright v. JPMorgan Chase Bank, National Association, et al.*, at Docket No. 18-8311 in the United States District Court for the District of New Jersey (the "Wright Action") issuing monetary sanctions against Plaintiffs' counsel for asserting "non-cognizable claims", formally reprimanding Plaintiffs' counsel for "failure to conform with this Court's expectations for professionalism and practice", and ordering Plaintiffs' counsel to complete a seminar "which

discusses the standards for attorney conduct under Fed. R. Civ. Pro. 11(c)-(b)”; and (3) February 14, 2020 Order filed in the *Wright* Action regarding Plaintiffs’ counsel’s failure to comply with the Court’s October 30, 2019 Order.

8. To date, M&T Defendants have received no response to their Rule 11 Letter nor has the Complaint been withdrawn.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

PARKER IBRAHIM & BERG LLP

Executed on: March 16, 2020

/s/ James P. Berg

James P. Berg, Esq.

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